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STATE OF NH
DEPT OF JUSTICE

2017 JAN 26 AM 9:49

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A Professional Corporation

88 Kearny Street, Suite 1000
San Francisco, CA 94108
Telephone 415-788-1900
Facsimile 415-393-8087

VIA OVERNIGHT MAIL

7782 7722 6259

Joseph Foster
Office of the Attorney General
33 Capitol Street
Concord, NH 03301

January 25, 2017

Re: Data Incident: Jay Scott Berenter
Our File No.: NAS1.117844.1

Attorney General Foster:

Our client, Jay Scott Berenter, M.D., understands the importance of protecting the personal information provided by its customers. On December 9, 2016, Dr. Berenter's office of Synergy Specialists Medical Group, Inc. became aware that some patients had received an email from their office earlier that morning that they did not send. Specifically, it appeared to be an email alerting contacts that their office had a "DocuSign" document waiting for them to review. Upon discovery of this fraudulent activity, Dr. Berenter's office immediately sent an email alerting his patients not to open the email.

Dr. Berenter's office also immediately took action to secure their Gmail account and promptly hired forensic IT specialists to determine exactly what happened and whether any of their other systems were affected. Fortunately, the fraudulent activity was determined to be limited to their Gmail account only. Dr. Berenter has filed notice of his office's cyber intrusion with the FBI, all three consumer reporting agencies, and is notifying the offices of the applicable State Attorney Generals and the Department of Health and Human Services.

Dr. Berenter will be providing written notification on Friday, January 27, 2017, to 1 New Hampshire resident in accordance with N.H. Rev. Stat. Ann §359-C:20 in substantially the same form as the document enclosed herewith. Notice is being provided as quickly as possible upon completion of the forensic investigation. In addition, Dr. Berenter is providing a dedicated 90 day call center that potentially affected individuals can call with questions regarding the incident, as well as one year of credit monitoring services provided through Epiq/Equifax.

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The information potentially exposed comprises of any information a patient sent to or received from Dr. Berenter's office on drjsbdpm@gmail.com. This could include completed patient registration forms if the patient emailed them to Dr. Berenter, prescription or lab requests, and the content of voicemail messages a patient left for their office as the voice messages would be email transcribed for quicker response. Dr. Berenter's office does not send patient records electronically unless specifically requested by a patient so the information is limited to a patient's requests. Lastly, Dr. Berenter's office email recipient list, which potentially included a patient's first and last name, and email address, may have been exposed.

Please do not hesitate to contact me if you have any questions regarding this matter. I am changing law firms effective January 27, 2017. On January 30, 2017, I can be reached at Troutman Sanders: 580 California Street, Suite 1100, San Francisco, CA 94104; melanie.witte@troutmansanders.com

Very truly yours,



Melanie M. Witte

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Enclosure



Return Mail Processing Center
PO Box 6336
Portland, OR 97228-6336

STATE OF NH
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2017 JAN 26 AM 9:49

<<Mail ID>>
<<Recipient's Name>>
<<Address>>
<<City, State, Zip>>

<<Date>>

NOTICE OF DATA BREACH

Dear <<patient name>>:

Please allow this letter to follow-up on our email correspondence dated December 9, 2016 regarding a potential data breach involving our email account.

What Happened?

On December 9, 2016, we became aware that some patients had received an email from our office earlier that morning that we did not send. Specifically, it appeared to be an email alerting you that our office had a "DocuSign" document waiting for you to review. Upon discovery of this fraudulent activity, we immediately sent an email alerting you not to open the email.

We also immediately took action to secure our Gmail account and promptly hired forensic IT specialists to determine exactly what happened and whether any of our other systems were affected. Fortunately, the fraudulent activity was determined to be limited to our Gmail account only.

What Information Was Involved?

Any information you sent to or received from our office on drjsbdpm@gmail.com. This could include completed patient registration forms if you emailed them to us, prescription or lab requests, and the content of voicemail messages you have left for our office as they would be email transcribed to us for quicker response. We do not send patient records electronically unless specifically requested by a patient so the information is limited to your requests. Further, our office email recipient list, which potentially included your first and last name, and email address may have been exposed.

What We Are Doing.

In addition to this notification and our email correspondence to you on December 9, 2016, we hired forensic specialists to determine exactly what happened and to ensure that our electronic medical record system and network were not affected by this incident. Further, we are migrating to a new email system, and we have implemented additional internal administrative steps for all correspondence to ensure such an incident never happens again.

What You Can Do.

Given the nature of the information potentially exposed, you may be inclined to change your email address.

Though there is presently no evidence of identity theft, we recommend you be vigilant in reviewing your account statements, as well as free credit reports. You can call the three major credit agencies and place a 90-day fraud alert on your accounts. To do so, their contact information is:

Equifax P.O. Box 740241 Atlanta, GA 30374 1-888-766-0008 www.equifax.com	Experian P.O. Box 9532 Allen, TX 75013 1-888-397-3742 www.experian.com	TransUnion P.O. Box 1000 Chester, PA 19022 1-800-680-7289 www.transunion.com
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You are also entitled to a free credit report every year from each of these agencies at: www.annualcreditreport.com.

Next Step of Identity Protection:

As an *added precaution*, we have also arranged Equifax® to provide its Credit Watch™ Silver identity theft protection product for one year at no charge to you. A description of this product is provided in the enclosed material, which also contains instructions about how to enroll (including your personal activation code). If you choose to take advantage of this product, it will provide you with daily credit monitoring, up to \$25,000 Identity Theft Insurance Coverage for specific out-of-pocket expenses arising from identity theft and access to your credit report. You must complete the enrollment process by April 30, 2017. We urge you to consider enrolling in this product, at our expense, and review the Additional Resources enclosed with this letter.

For More Information.

Protecting your information is incredibly important to us, as is addressing this incident with the information and assistance you may need. Should you have any questions regarding this incident, please call 800-572-1281, Monday through Friday, 6:00 a.m. – 6:00 p.m. PST, or write at 9850 Genesee Ave #370, La Jolla, CA 92037.

Sincerely,



Jay S. Berenter, D.P.M.
Enclosures



Activation Code: <<INSERT Credit Monitoring Code>>

About the Equifax Credit Watch™ Silver identity theft protection product

Equifax Credit Watch will provide you with an “early warning system” to changes to your credit file. Note: You must be over age 18 with a credit file in order to take advantage of the product.

Equifax Credit Watch provides you with the following key features and benefits:

- Comprehensive credit file monitoring and automated alerts of key changes to your **Equifax** credit report
- Wireless alerts and customizable alerts available (available online only)
- One copy of your Equifax Credit Report™
- Up to \$25,000 in identity theft insurance with \$0 deductible, at no additional cost to you †
- Live agent Customer Service 7 days a week from 8 a.m. to 3 a.m. to assist you in understanding the content of your Equifax credit information, to provide personalized identity theft victim assistance, and help initiate an investigation of inaccurate information.
- 90 day Fraud Alert placement with automatic renewal functionality* (available online only)

How to Enroll: To sign up online for **online delivery** go to: www.myservices.equifax.com/silver

1. Welcome Page: Enter the Activation Code provided at the top of this page in the “Activation Code” box and click the “Submit” button.
2. Register: Complete the form with your contact information (name, gender, home address, date of birth, Social Security Number and telephone number) and click the “Continue” button.
3. Create Account: Complete the form with your email address, create a User Name and Password, check the box to accept the Terms of Use and click the “Continue” button.
4. Verify ID: The system will then ask you up to four security questions to verify your identity. Please answer the questions and click the “Submit Order” button.
5. Order Confirmation: This page shows you your completed enrollment. Please click the “View My Product” button to access the product features.

Specific State Notification Requirements

For residents of Hawaii, Michigan, Missouri, Virginia, Vermont, and North Carolina: It is recommended by state law that you remain vigilant for incidents of fraud and identity theft by reviewing credit card account statements and monitoring your credit report for unauthorized activity.

For residents of Illinois, Iowa, Maryland, Missouri, North Carolina, Oregon, and West Virginia:

It is required by state laws to inform you that you may obtain a copy of your credit report, free of charge, whether or not you suspect any unauthorized activity on your account. You may obtain a free copy of your credit report by contacting any one or more of the following national consumer reporting agencies:

Equifax

P.O. Box 105139
Atlanta, GA 30374
1-800-685-1111
www.equifax.com

Experian

P.O. Box 2002
Allen, TX 75013
1-888-397-3742
www.experian.com

TransUnion

P.O. Box 6790
Fullerton, CA 92834
1-800-916-8800
www.transunion.com

You may also obtain a free copy of your credit report online at www.annualcreditreport.com, by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at www.annualcreditreport.com) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281.

For residents of Iowa:

State law advises you to report any suspected identity theft to law enforcement or to the Attorney General.

For residents of Oregon:

State laws advise you to report any suspected identity theft to law enforcement, as well as the Federal Trade Commission.

For residents of Maryland, Illinois, North Carolina, and Rhode Island:

You can obtain information from the Maryland and North Carolina Offices of the Attorneys General and the Federal Trade Commission about fraud alerts, security freezes, and steps you can take toward preventing identity theft.

Maryland Attorney General

Consumer Protection Div.
200 St. Paul Place
Baltimore, MD 21202
1-888-743-0023
www.oag.state.md.us

North Carolina Attorney General

Consumer Protection Div.
9001 Mail Service Center
Raleigh, NC 27699-9001
1-877-566-7226
www.ncdoj.com

Rhode Island Attorney General

Consumer Protection Div.
150 South Main Street
Providence, RI 02903
(401) 274-4400
www.riag.ri.gov

Federal Trade Commission

Consumer Response Center
600 Pennsylvania Avenue, NW
Washington, DC 20580
1-877-IDTHEFT (438-4338)
www.ftc.gov/bcp/edu/microsites/idtheft

For residents of Massachusetts:

It is required by state law that you are informed of your right to obtain a police report if you are a victim of identity theft.

For residents of all states:

Fraud Alerts: You can place fraud alerts with the three credit bureaus at one of the three major credit bureaus by phone and also via Experian's or Equifax's website. A fraud alert tells creditors to follow certain procedures, including contacting you, before they open any new accounts or change your existing accounts. For that reason, placing a fraud alert can protect you, but also may delay you when you seek to obtain credit. The contact information for all three credit bureaus is below:

Monitoring: You should always remain vigilant and monitor your accounts for suspicious or unusual activity.

Security Freeze: You also have the right to place a security freeze on your credit report. A security freeze is intended to prevent credit, loans and services from being approved in your name without your consent. To place a security freeze on your credit report, you need to send a request to each consumer reporting agency by certified mail, overnight mail, or regular stamped mail. The following information must be included when requesting a security freeze (note that if you are requesting a credit report for your spouse, this information must be provided for him/her as well): (1) full name, with middle initial and any suffixes; (2) Social Security number; (3) date of birth; (4) current address and any previous addresses for the past five years; and (5) any applicable incident report or complaint with a law enforcement agency or the Registry of Motor Vehicles. The request must also include a copy of a government-issued identification card and a copy of a recent utility bill or bank or insurance statement. It is essential that each copy be legible, display your name and current mailing address, and the date of issue. The consumer reporting agency may charge a fee of up to \$5.00 to place a freeze or lift or remove a freeze, but is free if you are a victim of identity theft or the spouse of a victim of identity theft, and you have submitted a valid police report relating to the identity theft incident to the consumer reporting agency. You may obtain a security freeze by contacting any one or more of the following national consumer reporting agencies:

Equifax Security Freeze

P.O. Box 105788
Atlanta, GA 30348
www.equifax.com

Experian Security Freeze

P.O. Box 9554
Allen, TX 75013
<http://www.experian.com/freeze>

TransUnion (FVAD)

P.O. Box 2000
Chester, PA 19022
www.transunion.com

More information can also be obtained by contacting the Federal Trade Commission listed above.